THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.8796 of 2007

Dated:26.04.2007

Between:

Sri V.Vishnu Vardhan Reddy.

…Petitioner

and

The District Level Sand Committee and others.

…Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.8796 of 2007

ORDER:

The petitioner became the highest bidder in the auction conducted to lease out the sand reach in Penna River in the jurisdiction of Viruvuru/Surayapalem Gram Panchayat. The second respondent confirmed the auction by proceedings dated 13.12.2006 after the petitioner paid 1/4th of the amount of the bid. He was directed to pay the balance 3/4th amount within seven days. The petitioner did not pay the amount, and therefore, the second respondent in exercise of powers conferred under Rule 9-H(3) of the Andhra Pradesh Minor Mineral Concession Rules, 1966 (for short 'the Rules'), passed the impugned proceedings bearing Roc.No.2907/2006-A3, dated 01.04.2007, cancelling the auction conducted and also forfeiting the amount of 25% paid by the petitioner. Aggrieved by the same, the present Writ Petition is filed.

The petitioner contends that after obtaining the confirmation orders from the second respondent, he visited the sand reach where he came to know that there was construction of Bridge-cum-Barrage across Penna River and the Executive Engineer informed that the said work was sanctioned to P.V.R.Projects Limited, Hyderabad, and if sand is lifted, the life of the Dam will be spoiled. The same was also intimated to the third respondent. In the meanwhile, the Joint Collector passed the impugned order. Learned Counsel for the petitioner placed reliance on Rule 9-A of the Rules to contend that when the Project work was pending, Rule
9-H(3) of the Rules cannot be applied. This submission cannot be accepted. The operation of Rule 9-H(3) does not depend on any other circumstances. The Rule is clear that after confirmation of the auction

in favour of the highest bidder, such person has to deposit the balance amount within seven days, failing which, the amount can be forfeited and auction can be cancelled. Rule 9-H of the Rules prescribes the procedure for deposit of lease amount and execution of lease agreement. A plain reading of sub-Rule (3) thereof would show that the moment the bidder fails to pay 25% of the knocked down amount on the next working day of auction or fails to pay the remaining 75% of the knocked down amount within the period specified in the confirmation order, the auction can be cancelled and the amount can be forfeited. This was precisely done. The petitioner does not dispute that the second respondent while confirming the auction gave seven days time to the petitioner to pay the amount. The petitioner failed to pay the amount nor executed the agreement as contemplated under Rule 9-H of the Rules. In that view of the matter, the order of the second respondent cannot be termed as illegal.

The Writ Petition is misconceived, and is accordingly, dismissed. No costs.

_____

(V.V.S.RAO, J)

26.04.2007
vs